

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION) Case No.:
-----) 3:21-cv-03825-VC
THIS DOCUMENT RELATES TO:)
ALL CASES) Pages 1 to 205
-----)
SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
Plaintiff,)
)
vs.)
)
INTUITIVE SURGICAL, INC.,)
)
Defendant.)
-----)

DEPOSITION OF:
CLIFTON EARL PARKER, VOLUME I
TUESDAY, OCTOBER 25, 2022
9:08 a.m. Eastern Daylight Time

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5541122

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1 Deposition of CLIFTON EARL PARKER, the witness, taken on
2 behalf of the Defendant, on Tuesday, October 25, 2022,
3 9:08 a.m. Eastern Daylight Time, before VICKIE BLAIR,
4 CSR No. 8940, RPR-CRR.

5
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19 ALSO PRESENT:

20 RAMON A. PERAZA, Videographer
21
22
23
24
25

1 your ability to pursue option one? 07:52:33

2 A No. 07:52:35

3 Q Has anything been reported to you since 07:52:35

4 2019 of Intuitive doing anything with your ability to 07:52:38

5 pursue option two? 07:52:41

6 A Yes. 07:52:44

7 Q And -- and what was that? 07:52:44

8 A The CEO of Panama City Surgery Center told 07:52:47

9 me that -- that Intuitive would not allow them to 07:52:54

10 purchase instruments from us, and then -- 07:53:01

11 Q The CEO of what company? 07:53:08

12 A Panama City Surgery Center. 07:53:10

13 Q Panama. 07:53:12

14 And when was this? 07:53:13

15 A It's probably six or eight months ago, and 07:53:14

16 then he had another conver- -- they had another 07:53:18

17 conversation with me after that, and when he found out 07:53:22

18 that other people were purchasing instruments from us, 07:53:28

19 he said he was going to do it anyway. 07:53:31

20 Q So he has, in fact, purchased from you? 07:53:32

21 A In the last six months, they started back, 07:53:34

22 yes. 07:53:38

23 Q Okay. And -- and is -- has he told you 07:53:38

24 that anything bad happened to him as a result of that? 07:53:41

25 A I don't know as a result of that, but he 07:53:46

1 has -- you'd have to ask him that, but I have been 07:53:50
2 given indication that he feels like something bad has 07:53:59
3 happened to them, don't know if it's as a result of 07:54:02
4 that; you'd have to ask him. 07:54:05

5 Q Any other accounts you've received since 07:54:06
6 2019 relating to any other effort by Intuitive to 07:54:15
7 interfere with your ability to pursue either option one 07:54:20
8 or option two? 07:54:23

9 A Not anymore because they basically scared 07:54:23
10 every customer away and they stopped purchasing 07:54:30
11 instruments. 07:54:34

12 Q Are you unsuccessful in your ability to -- 07:54:37
13 in your -- are you unsuccessful in your efforts to sell 07:54:41
14 instruments? 07:54:46

15 A Unsuccessful, I'm not sure how to validate 07:54:47
16 that term. We have sold considerably less than we were 07:54:53
17 selling when Intuitive started making threats against 07:55:01
18 hospitals. 07:55:04

19 Q And just to be clear, you have not 07:55:05
20 personally witnessed any threats to any hospitals; 07:55:11
21 correct? 07:55:15

22 A Well, no, I'm not in the discussion with 07:55:15
23 the Intuitive sales rep and the management at -- I 07:55:17
24 would never be in a situation -- 07:55:21

25 Q Has any hospital shared with you any 07:55:24

1 documentary evidence of Intuitive threatening them? 07:55:26

2 A They haven't given me documents, but 07:55:31

3 they've told me that they've cancelled their service 07:55:39

4 contracts. 07:55:42

5 Q But this is just things they've told you; 07:55:42

6 correct? 07:55:46

7 A Yes. 07:55:46

8 Q Going back to this slide, let's look at 07:55:46

9 the first slide -- the second slide that option one, 07:55:53

10 this has got a productions number at the bottom with 07:55:57

11 the last four numbers of 4922. 07:55:59

12 Are you with me? 07:56:00

13 A Yes. 07:56:02

14 Q There's a ref- -- reference to a Las Vegas 07:56:02

15 facility. 07:56:08

16 What is that? 07:56:11

17 A Kevin and I own an office in Las Vegas. 07:56:11

18 Q An office? 07:56:17

19 A Yes. 07:56:21

20 Q Is -- and what is the purpose of having 07:56:21

21 that office? 07:56:26

22 A To operate Restore Robotics Repairs. 07:56:28

23 Q So have you moved the operations from your 07:56:34

24 prior office to Las Vegas? 07:56:38

25 A Yes. 07:56:40

1 "and internationally," so we did have -- we do have and 12:49:48
2 are looking for international distributors, as well. 12:49:52
3 BY MR. McCAULLEY: 12:50:00
4 Q And do you have an understanding of 12:50:00
5 Restore's reputation in that market that you just 12:50:02
6 referred to? 12:50:03
7 A I do. 12:50:04
8 Q And what's that understanding? 12:50:04
9 A They're one of the largest and most 12:50:06
10 respected medical device repair companies, and actually 12:50:08
11 when Kevin was the owner of MediVision, we did work 12:50:14
12 together, so we would do some of their repairs on their 12:50:21
13 EndoWrists -- I'm sorry, flexible scopes when they had 12:50:28
14 too much work to do or if they needed, you know, some 12:50:31
15 additional help, we were an additional resource for 12:50:35
16 them. 12:50:38
17 Q I believe you also testified about the 12:50:38
18 complexity of repairing an EndoWrist. 12:50:41
19 Do you have an opinion as to whether or 12:50:43
20 not, with respect to the repair of the device itself, 12:50:46
21 SIS was qualified to repair EndoWrists? 12:50:48
22 MS. WINNER: Objection to form. Lack of 12:50:53
23 foundation. 12:50:56
24 THE WITNESS: The EndoWrist repair is a 12:50:56
25 very simple repair, especially in comparison to the 12:50:58

1 other repairs that SIS is involved with, so it's a -- 12:51:03
2 it's not near as complicated as, for example, a 12:51:08
3 flexible end scope. 12:51:13
4 MR. McCAULLEY: Thank you, thank you. 12:51:16
5 Mr. Parker, I don't have any further questions. 12:51:18
6 VIDEOGRAPHER PERAZA: Does anybody else 12:51:25
7 have any questions? 12:51:26
8 MS. WINNER: I have some additional 12:51:27
9 questions for the witness, if the plaintiffs are done. 12:51:28
10 MR. McCAULLEY: SIS is done. 12:51:35
11 MR. CORRIGAN: Yes, we're done, we'll 12:51:38
12 reserve time, as you did, just in case -- 12:51:39
13 MS. WINNER: Sure. 12:51:42
14 MR. CORRIGAN: -- if we have more 12:51:43
15 questions at the end. 12:51:45
16 MS. WINNER: Sure, that's fine. 12:51:46
17 12:51:47
18 FURTHER EXAMINATION 12:51:47
19 BY MS. WINNER: 12:51:47
20 Q Okay. I just have some follow-up 12:51:48
21 questions on -- follow up on some of the questions that 12:51:50
22 Mr. Corrigan and Mr. McCaulley asked you, so I'll be 12:51:54
23 jumping around a bit. If you're losing track of where 12:51:56
24 I'm jumping, just speak up and I'll -- I'll try to slow 12:51:59
25 down and clarify where I am; okay? 12:52:05